

### REMARKS

The Office action of December 27, 2005, has been carefully considered.

Claims 3 and 7, 8 and 10 have been rejected under 35 USC 103(a) over Komoto et al.

Claim 7 has now been amended to recite that an exposed peripheral portion of the transparent sealing resin includes a permeated dye which is specifically selected, and which corrects the color of the light transmitted through the transparent resin including phosphor particles.

In accordance with the invention, the kind and amount of the dye is determined after the chromaticity of the light emitted through the resin is determined, and a dye selected to perform the necessary correction is permeated into the resin, as described in the specification at page 9, lines 1-7.

The invention thus makes it possible to obtain a light emitting device of a desired color.

This is not possible according to Komoto et al. Reference is made in the Office Action to Fig. 107 of Komoto et al, described in col. 49. In Fig. 107, there is a fluorescent layer FL disposed on the light emitting element 2900. Above layer FL there is light absorber AB, and the unit is sealed in resin 2140.

While Komoto et al discloses layers which can be described as a fluorescent layer and a corrective dye layer, the corrective dye layer is not at the surface of the device, at an exposed peripheral portion of the sealing resin. While layer AB may correct the light output from layer FL, there is no means disclosed to correct the light output after the final assembly with the sealing resin.

In Fig. 103, the light absorber AB is actually included in the sealing resin 2140. However, light absorber AB is not

disposed in a peripheral portion of the resin 2140, but is distributed throughout the resin. Thus, the light absorber AB must be included in the resin 2140 *before the sealing resin 2140 is mounted on the device*. It is not possible to correct the chromaticity of the light after the device has been assembled, as is possible according to the invention, and based on the actual measured chromaticity of the light passing through the sealing layer.

With the device of Komoto et al, if the chromaticity is measured after manufacture and is found to be unsatisfactory, no means are disclosed for correction.

The invention does provide means for correction after manufacture, specifically permeation of a dye into the outer portion of the sealing resin. As this means is not disclosed or suggested by Komoto et al, withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz  
Registration No. 28666